

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9536 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE S.M.SONI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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PARASWANATH ORGANICS PVT LTD

Versus

STATE OF GUJARAT

Appearance:

MR AS VAKIL for Petitioner
MR TRIVEDI for Respondent No.2
SERVED for Respondent No. 1, 4
SERVED BY DS for Respondent No. 3
MR B B OZA for ATIRA

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE S.M.SONI

Date of decision: 18/11/97

ORAL JUDGEMENT

Ahmedabad Textile Industry's Research Association (ATIRA) was requested by this Court to take samples of air emission, and accordingly, ATIRA took the samples and

placed before us the analysis report by their letter dated 2nd August 1997. The level of Hydrochloric Acid obtained after the scrubbing system from the vent attached to Chlorination Reactor was 1.2 mg/M3 as against the permissible limit of 20 mg/M3. Therefore, ATIRA indicated that the results are unusually low. We, therefore, requested ATIRA to clarify the position. Today, Dr. Dave of ATIRA is present in the Court and he states that such low result is possible if the unit was not functioning at its full capacity. According to him, in case of normal production, the concentration of HCl would be atleast 5 mg/M3 but not less than that. Mr. Vakil, learned Advocate for the unit states that at the relevant time, the unit was not functioning at its full capacity. In that view of the matter, Mr. Vakil submitted that there is nothing unusual with the measurement of 1.2 mg/M3 and it should be accepted considering the explanation rendered by Dr. Dave of ATIRA.

In view of the above explanation, we accept in toto the report of ATIRA dated 2nd August 1997.

Mr. Vakil further submitted that by filing this petition, the unit prayed to quash and set aside the Order No. GPCB/AIR/MH/154/20807 dated 12.10.1995 issued by the Chairman of the GPCB under section 31-A of the Air (Prevention & Control of Pollution) Act, 1981 directing the unit to stop the operation of the unit till all air pollution control equipments are operated efficiently and the height of the process stack attached to the reaction vessel is raised to thirty meters from the ground level and a fresh consent under the Air Act 1981 is obtained. Mr. Vakil submitted that the height of the process stack attached to the reaction vessel has already been raised to thirty meters from the ground level, as directed. He further submitted that from the report of ATIRA, it is clear that all air pollution control equipments are operated efficiently. After perusing the records and after hearing Dr. Dave of ATIRA, we have recorded above that we accept the report of ATIRA, which is an independent agency. Mr. Vakil further submitted that so far as the consent is concerned, the application is pending with the GPCB. As there is no consent, it would not be proper for us to grant the prayer, but we direct the unit to make an application to the GPCB for withdrawal of the aforesaid order and/or to pass an appropriate order, and the said application shall be decided by the GPCB within one month from the date of receipt of the application. Till then, the GPCB shall not take any action pursuant to the aforesaid notice at

Annexure 'A' or for any breach thereof. However, it would be open for the GPCB to take action if any fresh breach is committed.

This petition stands disposed of with the aforesaid directions. No order as to costs.

csm./ -----